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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,528	03/17/2006	Roberto Defilippi	33033-1080	4639
45263 7590 10/02/2008 MITCHELL P. BROOK LUCE, FORWARD, HAMILTON & SCRIPPS LLP			EXAMINER	
			MCMAHON, MARGUERITE J	
	988 EL CAMINO REAL, SUITE 200 AN DIEGO, CA 92130		ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			10/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/572,528	DEFILIPPI ET AL.				
Office Action Summary	Examiner	Art Unit				
	Marguerite J. McMahon	3747				
The MAILING DATE of this communication app	pears on the cover sheet with the c	orrespondence address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period value for the period for reply within the set or extended period for reply will, by statute hand the period of the months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on <u>18 Ju</u>	ine 2008					
	action is non-final.					
· <del>-</del>						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	•					
4)⊠ Claim(s) <u>1-5 and 7-9</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examine	r.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)	<u></u>					
1) Notice of References Cited (PTO-892)	4) ☐ Interview Summary Paper No(s)/Mail Da					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal F					
Paper No(s)/Mail Date	6)					

#### **DETAILED ACTION**

## Claim Objections

Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Note that the subject matter of claim 7 is already cited in claim 1, from which it depends.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman (6,397,826) in view of Ludwig et al (5,839,505). Note a cooling device 56 for a fuel-recirculation circuit from the injection system to the tank 44 of a motor vehicle, comprising a pipe designed to be traversed by the fuel and comprising a side wall, where the cooling device does not comprise a radiating plate connected in a direct thermal exchange manner to the pipe, the side wall being entirely surrounded with a cooling current of air, characterized in that the pipe is coiled and comprises an alternating succession of elbows and rectilinear stretches.

Coleman shows everything except the side wall of the pipe having a plurality of longitudinally extending internal projections obtained by plastic deformation on the

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rectilinear stretches of the pipe, the projections comprising three parallel internal projections, and the at least one internal projections extends longitudinally along the rectilinear stretches comprised between pairs of the elbows.

Ludwig et al teach that it is old in the art to employ a pipe having a plurality of longitudinally extending projections obtained by plastic deformation on the rectilinear stretches of the pipe (see Figures 4-9), the projections extending longitudinally along the rectilinear stretches comprised between pairs of the elbows. It would have been obvious to one having ordinary skill in the art to modify Coleman by employing a plurality of longitudinally extending projections on the rectilinear stretches of the pipe, and to locate the projections along the rectilinear stretches comprised between pairs of the elbows, in order to improve heat transfer efficiency of the heat transfer pipe. It would have been an obvious matter of design choice to employ three parallel projections in lieu of two parallel projections, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

# Response to Arguments

Applicant's arguments filed 6/18/08 have been fully considered but they are not persuasive. Applicant argues that Coleman is silent about pipes having internal projections, and while Ludwig teaches the use of internal projections, Ludwig teaches a pipe having a side wall that includes dimples that do not extend longitudinally. Coleman has not been relied upon to teach the use of internal projections, so the argument is

moot. The dimples or internal projections employed by Ludwig do extend longitudinally, and thus meets the requirement of the claim language.

#### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 571-272-4848. The examiner can normally be reached on Monday-Wednesday and Friday, 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Cronin can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marguerite McMahon Primary Examiner Art Unit 3747

/Marguerite McMahon/ Primary Examiner, Art Unit 3747